

THE EFFECTIVE DATE OF THIS ORDINANCE IS MAY 1, 2006

ORDINANCE NO. 06-03-399

RE: YARD WASTE DISPOSAL

PREAMBLE

Pursuant to the Annotated Code of Maryland, Article 25, Section 14A and Frederick County Code, Section 2-13-30, the Board of County Commissioners of Frederick County, Maryland, a body corporate and politic of the state of Maryland ("Board"), is authorized to establish rules and regulations for the Frederick County landfill ("Landfill").

Pursuant to its authority, the Board has enacted Landfill rules and regulations that are set forth as Sections 1-11-27 through 1-11-42 of the Frederick County Code.

The Board now desires to amend its Landfill rules and regulations, by adopting the appropriate Ordinance, to address the disposal of yard waste at the Landfill.

A duly advertised public hearing on this proposed Ordinance amending the Board's Landfill regulations by adding new Section 1-11-43 to the Frederick County Code was held by the Board on January 17, 2006. The public had an opportunity to comment on the proposed Ordinance at this public hearing.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Section 1-11-43 is added to the Frederick County Code to read as follows:

Section 1-11-43. YARD WASTE.

- (A) FOR PURPOSES OF THIS ARTICLE, YARD WASTE SHALL CONSIST OF ANY MATERIALS NORMALLY GENERATED IN THE MAINTENANCE OF GARDENS, YARDS, LAWNS, OR LANDSCAPED AREAS, WHETHER RESIDENTIAL, COMMERCIAL OR PUBLIC, INCLUDING LEAVES, GRASS CLIPPINGS, PLANTS, SHRUBS, PRUNINGS AND TRIMMINGS NO GREATER THAN 8 FEET IN LENGTH AND NO GREATER THAN 6 INCHES IN DIAMETER. YARD WASTE DOES NOT INCLUDE OTHER TREE WASTE, LAND CLEARING DEBRIS, WASTE PAVEMENT, SOIL OR ANY EDIBLE PRODUCT FROM ANY GARDEN, YARD, LAWN OR LANDSCAPED AREA.
- (B) NO PERSON SHALL DISPOSE OF YARD WASTE, OR CAUSE YARD WASTE TO BE DISPOSED, EITHER BY ITSELF OR BY COMMINGLING IT WITH SOLID WASTE INTENDED FOR DISPOSAL IN THE REFUSE DISPOSAL AREA OF THE FREDERICK COUNTY LANDFILL. IT IS THE BOARD'S INTENT THAT YARD WASTE SHALL NOT BE DISPOSED OF

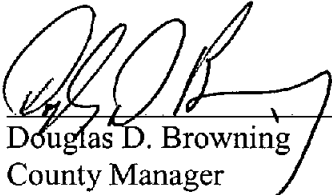
IN THE REFUSE DISPOSAL AREA OF THE LANDFILL. YARD WASTE MAY ONLY BE DISPOSED OF AT THE RECYCLING AREA OF THE LANDFILL AT SUCH COMPOSTING, MULCHING OR OTHER PROCESSING AREA AS ESTABLISHED BY THE BOARD.

- (C) PURSUANT TO SECTION 2-2-29 OF THE FREDERICK COUNTY CODE, ANY VIOLATION OF SECTION 1-11-43(B) OF THIS CODE SHALL SUBJECT THE VIOLATOR TO REMOVING THE YARD WASTE FROM THE REFUSE DISPOSAL AREA OF THE LANDFILL AND POSSIBLE LOSS OF LANDFILL USE PRIVILEGES AS PROVIDED FOR UNDER FREDERICK COUNTY CODE SECTION 1-11-36. IN ADDITION, A VIOLATION OF SECTION 1-11-43(B) OF THIS CODE SHALL BE A CIVIL INFRACTION IDENTIFIED AS A "YARD WASTE DISPOSAL INFRACTION", SUBJECT TO ALL PROCEDURES, PENALTIES AND COSTS SET FORTH IN SECTION 1-11-39 OF THE FREDERICK COUNTY CODE. YARD WASTE DISPOSAL INFRACTIONS ARE NOT SUBJECT TO SECTION 1-11-37 OF THIS CODE.


AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on May1, 2006.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Board of County Commissioners on the 17th day of January 2006.

ATTEST:

  
Douglas D. Browning  
County Manager

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

  
John L. Thompson, Jr.  
President

R.J.M.  
1-23-06